

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION**

FILED _____ ENTERED _____
LODGED _____ RECEIVED _____

FEB 06 2012

IA LABS CA, LLC,

Plaintiff,

vs.

NINTENDO CO., LTD., and NINTENDO OF
AMERICA, INC.,

Defendants.

AT GAITHERSBURG, MD
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

fsh
DEF

Civil Action No. 8:10-CV-00833-PJM

JURY TRIAL

**ORDER IDENTIFYING THE COURT'S CONSTRUCTION OF
CERTAIN DISPUTED TERMS AND PHRASES FROM U.S. PATENT NO. 7,121,982**

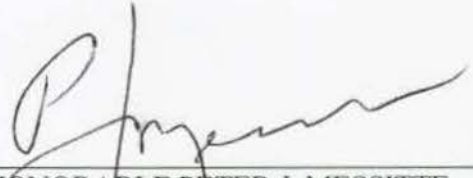
Having considered the parties' respective claim construction related briefs and oral argument presented on January 17-18, 2012, for the reasons stated on the record during that hearing, the Court has construed the below-listed terms and phrases from the '982 Patent as follows.

| Claim Term | Claims | Court's Construction |
|--|---------------------------------------|---|
| "peripheral" | 1, 9, 23, 25 | An accessory device that is external to the host processing system and either provides input to or receives output from the host processing system. |
| "a frame to support a user" | 1, 9 | Plain and ordinary meaning. |
| "effector" | 1-5, 8-13, 16, 17, 19, 20, 22, 24, 26 | A rigid object that slightly and measurably deforms within its elastic limit when muscle force is applied. |
| "an effector to provide an isometric exercise" | 1 | The user's isometrically exercised muscles exert force against the effector either through direct contact or indirect contact. |
| "said effector provides an isometric exercise" | 9, 24, 26 | |
| "force applied by said user to said effector to perform said isometric exercise" | 1 | |

| Claim Term | Claims | Court's Construction |
|---|------------------|--|
| "force applied by a user to said effector" | 9 | |
| "process data" | 1 | Transforming the applied force information into some desired result using the processor. |
| "processing data" | 9 | |
| "display controlled by said processor" | 5, 13 | The image generated on the display is controlled by the processor using the applied force information to generate the image. |
| "information relating to effector manipulation" | 5, 13 | |
| "input device" | 6, 7, 14, 15, 18 | A device that provides information to the system. |
| "additional information" | 6, 14 | Data related to the functioning of input devices (e.g. buttons, etc.). |
| "information in a format resembling data output from a host processing system peripheral" | 23, 25 | Data arranged to resemble, to the point of compatibility, an input device usable with the host processing system. |

The Court has deferred construing the remaining identified and disputed claim terms and phrases. The Court's constructions of those terms will be provided at a later date.

For the reasons stated on the record during a January 17-18, 2012, Claim Construction Hearing, IT IS SO ORDERED:


 HONORABLE PETER J. MESSITTE
 UNITED STATES DISTRICT JUDGE
 2/3/12